



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

September 1, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ben P. Thamrong, M.D.
606 Broadway
Paterson, New Jersey 07514

RE: License No. 116010
Effective Date 09/04/92

Dear Dr. Thamrong:

Enclosed please find Order #BPMC 92-71 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Alan M. Pollack, Esq.
Pollack & Greene
488 Madison Avenue
New York, New York 10022

Marcia E. Kaplan, Esq.

bcc: Chris Hyman
Roy Nemerson
Carlos Perez
Kenneth Spooner
Vincent Martiniano
Faith Schottenfeld
Anne Bohenek

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :
OF : ORDER
BEN P. THAMRONG, M.D. : BPMC 92-71

-----X

Upon the Application of Ben P. Thamrong, M.D., Respondent, to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

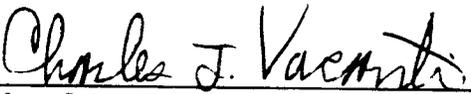
ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 31 August 1992


Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to all eight specifications of professional misconduct, and all the factual allegations charged thereunder, as set forth in the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

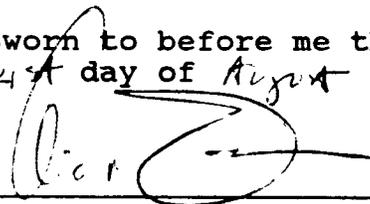
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



BEN P. THAMRONG, M.D.
Respondent

Sworn to before me this
21st day of August, 1992



NOTARY PUBLIC

ALAN M. POLLACK
Notary Public, State of New York
No. 404204
Qualified in New York County
Commission Expires March 30, 1994

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

BEN P. THAMRONG, M.D.

: APPLICATION
:
: TO SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: Aug. 20, 1992



BEN P. THAMRONG, M.D.
Respondent

Date: Aug. 20, 1992



ALAN M. POLLACK, ESQ.
Pollack & Greene
Attorney for Respondent

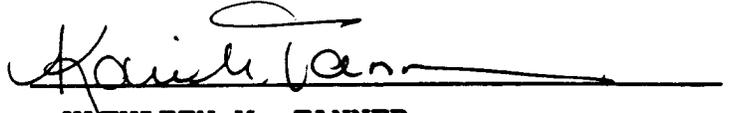
Date: August 25, 1992



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

BEN P. THAMRONG, M.D.

Date: Aug. 25, 1992



KATHLEEN M. TANNER
Director
Office of Professional
Medical Conduct

Date: 31 August, 1992



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT
OF : OF
BEN P. THAMRONG, M.D. : CHARGES

-----X

BEN P. THAMRONG, M.D., the Respondent, was authorized to practice medicine in New York State on April 26, 1973 by the issuance of license number 116010 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. He was last registered for the period January 1, 1989 through December 31, 1990. His last registration address was 606 Broadway, Paterson, New Jersey 07514.

FACTUAL ALLEGATIONS

A. On or about September 25, 1989, the Respondent was convicted upon a plea of guilty of the felony of Medicaid Fraud, Third Degree, in violation of NJSA 30-4D-17, in the New Jersey Superior Court, Passaic County Law Division-Criminal, in that between on or about April 4, 1986 and on or about March 25, 1988, in the City of Paterson, Respondent willfully obtained medical

assistance payments from the Medicaid Program under the New Jersey Medical Assistance and Health Services Act to which he was not entitled, as a result of filing 52 claims for performing abortions and post-partum services, for which he was reimbursed \$4,983.44 by Medicaid and which he claimed to accept as payment in full, whereas, in truth and in fact, Respondent also received \$7,105 in cash from his patients for the same procedures. On or about December 21, 1989, the Respondent was placed on probation for a period of four years; ordered to perform 500 hours of community service; ordered to pay restitution of \$12,088.44; fined \$10,000; and ordered to pay a \$30 Violent Crimes Compensation Board penalty. These acts, if committed within New York State, would constitute a crime under N.Y. Penal Law Sec. 155.35 (Grand Larceny in the third degree).

B. On or about December 12, 1990, the New Jersey Board of Medical Examiners and the Respondent entered into a Consent Order under which the Respondent's license to practice medicine in New Jersey was suspended for five years, at least two years of which were ordered to be an active suspension, and which further ordered that before resuming practice under inactive suspension, Respondent was to appear before a committee of the Board to demonstrate his fitness and competence to reenter active practice and that such reentry shall not constitute a danger to the public, and which further ordered Respondent to undergo a psychiatric evaluation at his own expense to determine whether

6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

C. On or about November 6, 1989, the Respondent submitted a Delayed Registration Application to the New York State Education Department Division of Professional Licensing Services which he knew contained false information in that he answered "no" where asked to indicate whether he had been convicted of a crime (felony or misdemeanor) in any state or country since he had last registered when in fact he well knew that he had been convicted of the felony of Medicaid Fraud, Third Degree, in the New Jersey Superior Court, Passaic County Law Division-Criminal, on September 25, 1989, as alleged in paragraph A above.

D. On or about November 19, 1989, the Respondent submitted an application for appointment to the Medical Staff of Metropolitan Hospital Center, 1901 First Avenue, New York, N.Y. 10029, which he knew contained false information in that the application stated that his privileges had never been suspended at any hospital or institution when in fact he well knew that his privileges had been suspended in June 1985 for a period of six months by Barnert Memorial Hospital Center, Paterson, New Jersey and which further stated that there were no ongoing proceedings in any jurisdiction to have his license or registration to practice medicine revoked, suspended, reduced or not renewed, when he well knew that disciplinary action had been instituted

psychotherapy is necessary before he may resume active practice, and to have the written report of the evaluation forward to the Board at least 90 days prior to any application to resume practice, and which further ordered Respondent to pay the costs of the investigation in the amount of \$27,000. The Consent Order was entered into to resolve a disciplinary action against Respondent, in which a complaint had issued alleging that Respondent performed a termination of pregnancy in his office on a woman who was more than 12 weeks pregnant; that Respondent tried to conceal that act by sending the fetus of another woman to the laboratory; that Respondent dispensed large amounts of Controlled Dangerous Substances over relatively short periods of time without noting said dispensing in the patient record; that Respondent altered, added to, deleted from and created certain patient records between the time that such records were inspected by the Enforcement Bureau and the time when they were subpoenaed; that Respondent's records were incomplete and his office maintained in an unsanitary condition; that Respondent did not comply with regulations governing the writing of prescriptions, and that Respondent was prescribing without the proper Drug Enforcement Agency registrations. These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Sections 6530(2) (practicing the profession fraudulently or beyond its authorized scope), 6530(3) (practicing the profession with negligence on more than one occasion), and

against him in New Jersey by the filing of a Complaint on October 3, 1989 by the Attorney General of the State of New Jersey, Department of Law and Public Safety, Professional Boards Section, Newark, New Jersey charging him with professional misconduct and seeking inter alia the suspension or revocation of his New Jersey medical license.

E. On or about January 14, 1992, the Respondent attempted to bribe Paul Scher, a Senior Medical Conduct Investigator for the Office of Professional Medical Conduct, by giving him a box containing \$1000 and a "Rolex" watch at a meeting regarding the pending OPMC investigation of Respondent held at Respondent's medical office at 141 E. 55th Street, New York, N.Y.

F. On or about January 28, 1992, the Respondent attempted to bribe Paul Scher, a Senior Medical Conduct Investigator for the Office of Professional Medical Conduct, by giving him a box containing \$500 and a "gold" pin at a meeting regarding the pending OPMC investigation of Respondent held at Respondent's medical office at 141 E. 55th Street, New York, N.Y.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

**HAVING BEEN CONVICTED OF AN ACT CONSTITUTING
A CRIME UNDER NEW JERSEY LAW WHICH WOULD
CONSTITUTE A CRIME UNDER NEW YORK LAW**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(iii) (McKinney Supp. 1992) in that he has been convicted of committing an act constituting a crime under New Jersey law which, if committed within this state, would have constituted a crime under New York State law, specifically:

1. The facts alleged in paragraph A.

SECOND SPECIFICATION

**HAVING HIS LICENSE TO PRACTICE MEDICINE SUSPENDED
AFTER DISCIPLINARY ACTION WAS INSTITUTED BY
A DULY AUTHORIZED PROFESSIONAL DISCIPLINARY AGENCY
OF ANOTHER STATE**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1992) in that he has had his license to practice medicine suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

2. The facts alleged in paragraph B.

THIRD THROUGH SIXTH SPECIFICATIONS

PRACTICING FRAUDULENTLY

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(2) (McKinney Supp. 1992) in that he has practiced medicine fraudulently, as follows:

3. The facts alleged in paragraph C.
4. The facts alleged in paragraph D.
5. The facts alleged in paragraph E.
6. The facts alleged in paragraph F.

SEVENTH AND EIGHTH SPECIFICATIONS

**CONDUCT IN THE PRACTICE OF MEDICINE
WHICH EVIDENCES MORAL UNFITNESS
TO PRACTICE MEDICINE**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(20) (McKinney Supp. 1992) in that he has engaged in conduct in the practice of medicine which evidences moral unfitness to practice medicine, as follows:

7. The facts alleged in paragraph E.
8. The facts alleged in paragraph F.

DATED: NEW YORK, NEW YORK

March 10, 1992



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct